

**SEMINOLE COUNTY GOVERNMENT
LAND PLANNING AGENCY / PLANNING AND ZONING COMMISSION
AGENDA MEMORANDUM**

SUBJECT: Small Scale Land Use Amendment from Medium-Density Residential (MDR) to Industrial or Planned Development, rezoning from A-1 (Agriculture) to PCD (Planned Commercial Development), and approval of the Final PCD Master Plan and Developer's Commitment Agreement. (Mike Hattaway, applicant)

DEPARTMENT: Planning & Development **DIVISION:** Planning

AUTHORIZED BY: Matthew West **CONTACT:** Jeff Hopper **EXT.** 7431

Agenda Date 8/07/02

Regular ☐

Work Session ☐

Briefing ☐

Special Hearing – 6:00 ☐

Public Hearing – 7:00 ☒

MOTION/RECOMMENDATION:

1. APPROVE the request for a Small Scale Land Use Amendment from Medium-Density Residential (MDR) to Industrial or Planned Development, rezoning from A-1 to PCD, per the attached Development Order, and approval of the Final PCD Master Plan and Developer's Commitment Agreement, for property comprising approximately 1.9 acres and located on the east side of SR 426, approximately 0.2 mile south of Chapman Road, based on staff findings (Mike Hattaway, applicant); or
2. DENY the request for a Small Scale Land Use Amendment from Medium-Density Residential (MDR) to Industrial or Planned Development, rezoning from A-1 to PCD, and denial of the Final PCD Master Plan and Developer's Commitment Agreement, for property comprising approximately 1.9 acres and located on the east side of SR 426, approximately 0.2 mile south of Chapman Road, based on findings made at the public hearing (Mike Hattaway, applicant); or
3. Continue the public hearing until a date certain.

(District 1 – Comm. Maloy)

(Jeff Hopper, Senior Planner)

BACKGROUND:

The applicant, Mike Hattaway, requests a Small Scale Land Use Amendment from Medium-Density Residential (MDR) to Industrial, and rezoning from A-1 to PCD, to allow a recreational vehicle storage facility. The applicant also requests concurrent approval

Reviewed by:

Co Atty: _____

DFS: _____

OTHER: _____

DCM: _____

CM: _____

File No. Z2002-014

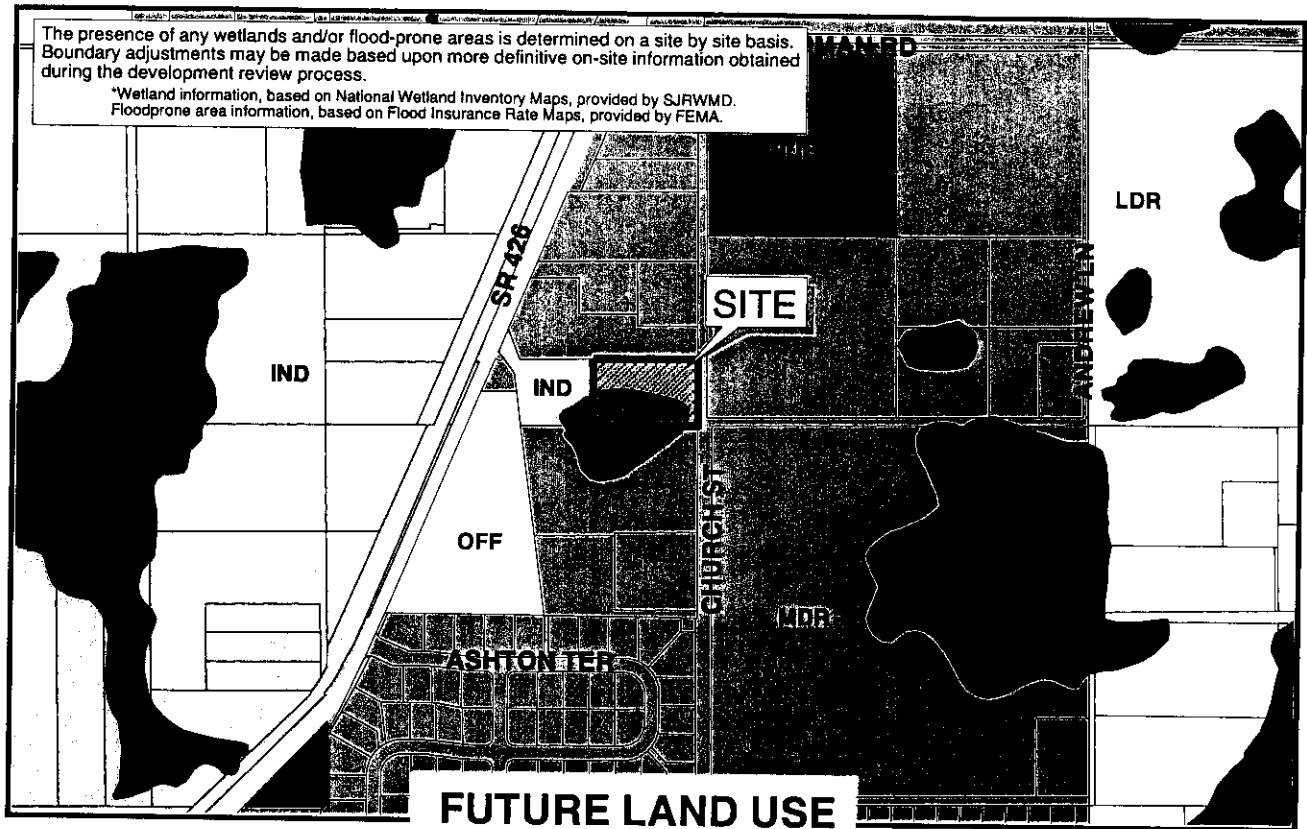
of the Final PCD Master Plan and Developer's Commitment Agreement for the project.

STAFF RECOMMENDATION:

Staff recommends denial of Industrial land use and approval of Planned Development land use and PCD zoning, per the attached Development Order, and approval of the Final PCD Master Plan and Developer's Commitment Agreement.

The presence of any wetlands and/or flood-prone areas is determined on a site by site basis. Boundary adjustments may be made based upon more definitive on-site information obtained during the development review process.

*Wetland information, based on National Wetland Inventory Maps, provided by SJRWMD.
Floodprone area information, based on Flood Insurance Rate Maps, provided by FEMA.

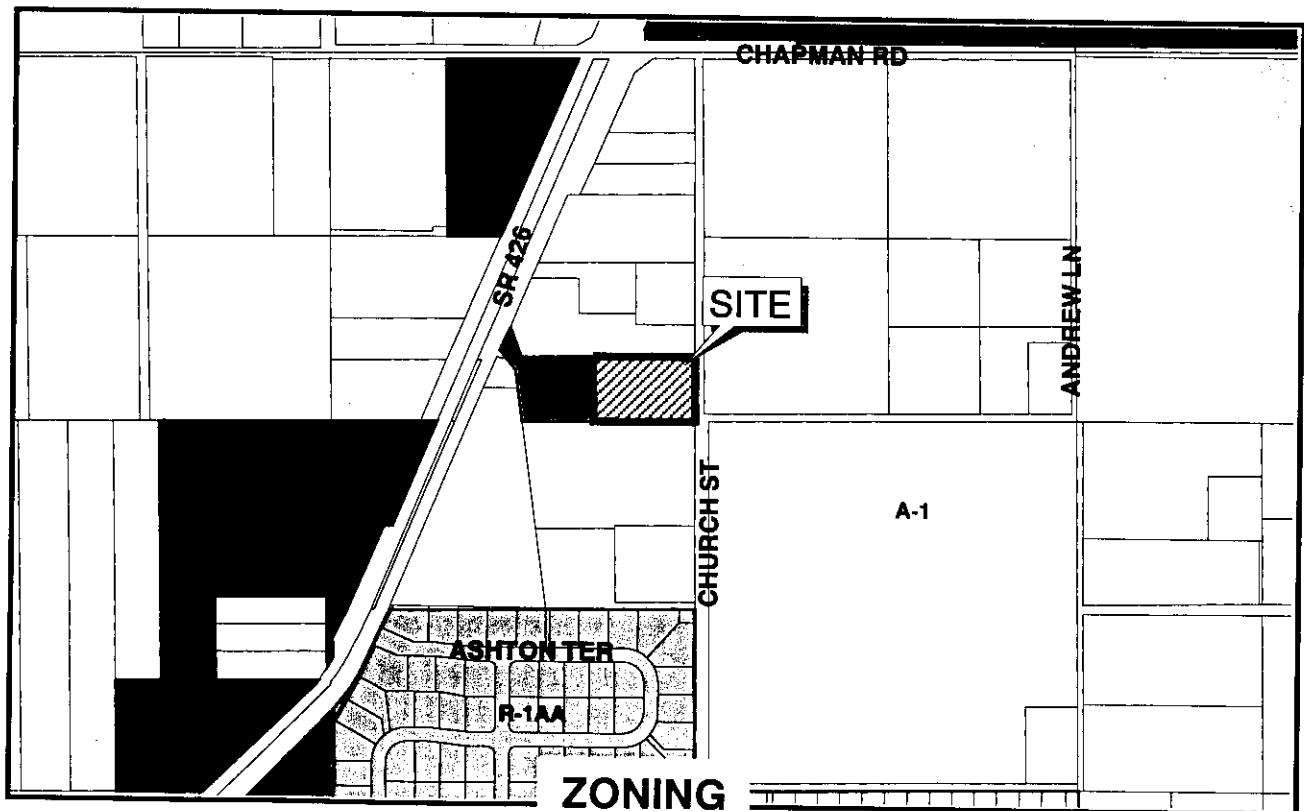


FUTURE LAND USE

Site
 Municipality
 COM
 LDR
 PUB
 IND
 MDR
 CONS
 OFF

Applicant: Mike Hattaway
 Physical STR: 20-21-31-5CB-0000-008A
 Gross Acres: 1.9 BCC District: 1
 Existing Use: Single Family Residential
 Special Notes: _____

	Amend/ Rezone#	From	To
FLU	08-02SS.1	MDR	IND
Zoning	Z2002-014	A-1	PCD



ZONING

A-1
 C-1
 C-3
 PCD
 R-1AA
 R-3A
 CN




Amendment No. 08-02SS.1

From: MDR To: IND

Rezone No. Z2002-014

From: A-1 To: PCD

 Subject Property

 Parcelbase

N

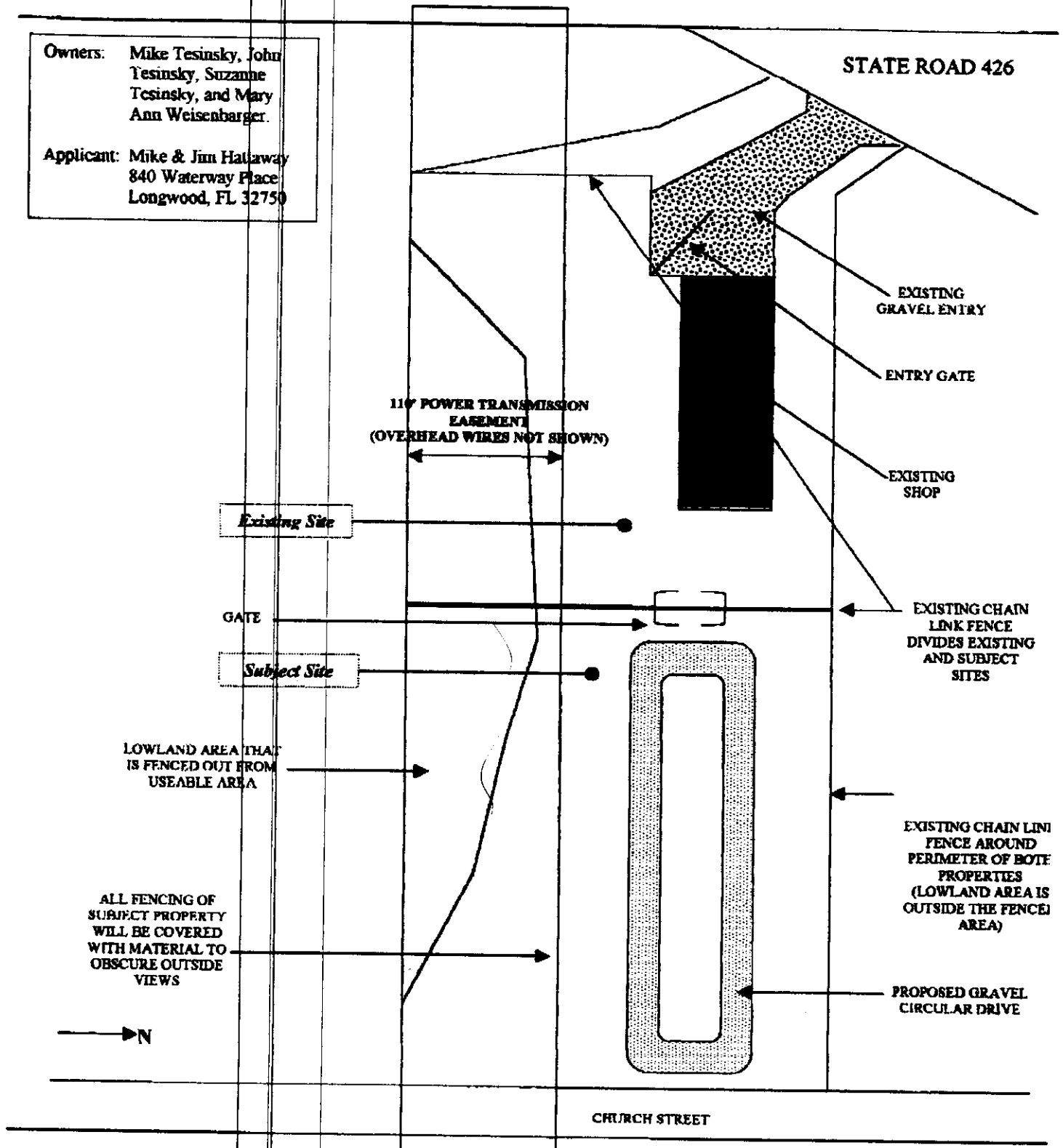


February 1999 Color Aerials

**Site Plan Sketch for Proposed Use of Tesinsky Property
2385 West State Road 426, Oviedo, Florida 23765**

Owners: Mike Tesinsky, John
Tesinsky, Suzanne
Tesinsky, and Mary
Ann Weisenbarger.

Applicant: Mike & Jim Hallaway
840 Waterway Place
Longwood, FL 32750



Tesinsky RV Storage Staff Report

Medium Density Residential to Industrial		Amendment 08-02SS.01 & Z2002-014
REQUEST		
APPLICANT	Mike Hattaway	
PLAN AMENDMENT	Medium Density Residential to Industrial	
REZONING	A-1 (Agriculture) to PCD (Planned Commercial Development); and approval of the Final PCD Master Plan and Developer's Commitment Agreement	
GROSS ACRES	1.9	
LOCATION	East side of SR 426 and 0.2 mile south of Chapman Road	
SPECIAL ISSUES	N/A	
BOARD DISTRICT	1- Comm. Maloy	
RECOMMENDATIONS AND ACTIONS		
STAFF RECOMMENDATION August 7, 2002	<p><u>PLAN AMENDMENT:</u> Recommend denial of Industrial land use and approval of Planned Development land use, with findings that Planned Development land use would be:</p> <ol style="list-style-type: none"> 1. Consistent with Plan policies related to the Planned Development land use designation; and 2. Consistent with adjacent Medium Density Residential and Industrial land use designations; and 3. Consistent with Plan policies related to transitional land uses; and 4. Consistent with other Plan policies identified at this time. <p><u>REZONE:</u> Based on the above analysis, staff recommends that the request, as proposed:</p> <ol style="list-style-type: none"> 1. Would be compatible with surrounding development; and 2. The request, as proposed, would be consistent with the Seminole County Land Development Code regarding PCD zoning. <p>Staff recommends approval of PCD (Planned Commercial District) zoning, per the attached Development Order, and approval of the Final PCD Master Plan and Developer's Commitment Agreement for the proposal.</p>	

STAFF ANALYSIS

Medium Density Residential to Industrial

Amendment
08-02SS.01
& Z2002-014

1. **Property Owner:** John P. Tesinsky, Mary Weisenbarger, Michael Tesinsky.
2. **Tax Parcel Number:** 20-21-31-5CB-0000-008A
3. **Development Trends:** Development in this area is characterized by low-density residential and rural uses, with some industrial development to the west of SR 426. With the exception of the commercial property adjoining on the west, there is no nonresidential development in the vicinity east of SR 426. Property designated Office is located immediately west and south of the subject site. Adjacent property on all other sides is designated Medium Density Residential (MDR).

SITE DESCRIPTION

1. EXISTING AND PERMITTED USES:

- a. The current Medium Density Residential future land use designation permits a variety of residential housing types at a maximum density of 10 units per acre. The existing A-1 zoning permits general agricultural uses, as well as low-density single family residential.
- b. The site consists of one vacant parcel which has been cleared of trees.

Location	Future Land Use*	Zoning*	Existing Use
Site	Medium Density Residential	A-1	Vacant
North	Medium Density Residential	A-1	Single family residential
South	Medium Density Residential	A-1	Vacant
East	Medium Density Residential	A-1	Vacant
West	Industrial	C-3	Auto/RV storage

* See enclosed future land use and zoning maps for more details.

COMPREHENSIVE PLAN CONSISTENCY

2. PLAN PROGRAMS - Plan policies address the continuance, expansion and initiation of new government service and facility programs, including, but not limited to, capital facility construction. Each application for a land use designation amendment will include a description and evaluation of any Plan programs (such as the effect on the timing/financing of these programs) that will be affected by the amendment if approved.

Summary of Program Impacts: The proposed amendment does not alter the options or long-range strategies for facility improvements or capacity additions included in the Support Documentation to the Vision 2020 Plan. The amendment request would not be in conflict with the Metroplan Orlando Plan or the Florida Department of Transportation's 5-Year Plan (Transportation Policy 14.1).

A. **Traffic Circulation - Consistency with Future Land Use Element:** *In terms of all development proposals, the County shall impose a linkage between the Future Land Use Element and the Transportation Element and all land development activities shall be consistent with the adopted Future Land Use Element (Transportation Policy 2.1).*

Access to the subject property is SR 426, an Arterial road. The existing Level of Service (LOS) on this portion of SR 426 is "A" for travel time studies and "F" for daily operating LOS, with an adopted LOS standard of "E".

B. **Water and Sewer Service – Adopted Potable Water and Sanitary Sewer Service Area Maps:** *Figure 11.1 and Figure 14.1 are the water and sewer service area maps for Seminole County]*

Water and sewer service to be provided by Seminole County.

C. **Public Safety – Adopted Level of Service:** *The County shall maintain adopted levels of service for fire protection and rescue...as an average response time of five minutes (Public Safety Policy 12.2.2).*

The property is served by the Seminole County EMS/Fire Station # 27. Response time to the site is approximately 5 minutes, which meets the County's average response time standard of 5 minutes.

3. REGULATIONS - The policies of the Plan also contain general regulatory guidelines and requirements for managing growth and protecting the environment. These guidelines will be used to evaluate the overall consistency of the land use amendment with the Vision 20/20 Plan, but are not applied in detail at this stage.

A. **Preliminary Development Orders: Capacity Determination:** *For preliminary development orders and for final development orders under which no development activity impacting public facilities may ensue, the capacity of Category I and Category III public facilities shall be determined as follows...No rights to obtain final development orders under which development activity impacting public facilities may ensue, or to obtain development permits, nor any other rights to develop the subject property shall be deemed to have been granted or implied by the County's approval of the development order without a*

determination having previously been made that the capacity of public facilities will be available in accordance with law (Implementation Policy 1.2.3).

A review of the availability of public facilities to serve this property indicates that there would be adequate facilities to serve this area, and that the proposed Plan amendment would create no adverse impacts to public facilities.

B. Flood Plain and Wetlands Areas - Flood Plain Protection and Wetlands Protection: *The County shall implement the Conservation land use designation through the regulation of development consistent with the Flood Prone (FP-1) and Wetlands (W-1) Overlay Zoning classifications...(Policy FLU 1.2 and 1.3).*

The site contains approximately 10% wetlands or flood prone areas, and can be developed within requirements of the Plan and Land Development Code. The proposed use will not encroach on the wetlands area.

C. Protection of Endangered and Threatened Wildlife: *The County shall continue to require, as part of the Development Review Process, proposed development to coordinate those processes with all appropriate agencies and comply with the US Fish and Wildlife Service and the Florida Fish and Wildlife Conservation Commission Rules as well as other applicable Federal and State Laws regarding protection of endangered and threatened wildlife prior to development approval (Conservation Policy 3.13).*

A threatened and endangered species report shall be required prior to final engineering approval for the subject property.

4. DEVELOPMENT POLICIES - Additional criteria and standards are also included in the Plan that describe when, where and how development is to occur. Plan development policies will be used to evaluate the appropriateness of the use, intensity, location, and timing of the proposed amendment.

A. Compatibility: When the County's Future Land Use Map (FLUM) was developed in 1987, land use compatibility issues were evaluated and ultimately defined through a community meeting/hearing process that involved substantial public comment and input. When amendments are proposed to the FLUM, however, staff makes an initial evaluation of compatibility, prior to public input and comment, based upon a set of professional standards that include, but are not limited to criteria such as: (a) long standing community development patterns; (b) previous policy direction from the Board of County Commissioners; (c) other planning principles articulated in the Vision 2020 Plan (e.g., appropriate transitioning of land uses, protection of neighborhoods, protection of the environment, protection of private property rights, no creation of new strip commercial developments through plan amendments, etc.).

Based upon an initial evaluation of compatibility, the recommended Planned Development (PD) land use, in conjunction with development limitations contained in the proposed PCD master plan and Development Order, would accommodate the applicant's proposed land use while assuring compatibility with surrounding

neighborhoods. The PD land use is consistent with Plan policies identified at this time and therefore is consistent with the Vision 2020 Plan.

Applicable Plan policies include, but are not limited to, the following:

1. **Transitional Land Uses:** *The County shall evaluate plan amendments to insure that transitional land uses are provided as a buffer between residential and non-residential uses, between varying intensities of residential uses, and in managing the redevelopment of areas no longer appropriate as viable residential areas. "Exhibit FLU: Appropriate Transitional Land Uses" is to be used in determining appropriate transitional uses. (Policy FLU 2.5)*

The applicant proposes an extension of an existing automotive and storage facility which has been developed in an Industrial land use designation under C-3 zoning. The proposal would provide for additional vehicle storage area, but afford greater protection than standard zoning for surrounding properties against adverse impacts.

Other applicable plan policies include:

FLU 2.11: Determination of Compatibility in the PCD Zoning Classification. Under this policy, the County shall evaluate the compatibility of proposed uses or structures with surrounding neighborhoods and uses. The heavy commercial nature of the proposal is potentially inconsistent with established development patterns in the area; however, special development standards can be implemented through the PCD approval process which can mitigate negative impacts on neighboring properties. These include fencing, landscaping, lighting limitations, and specified hours of operation. With such standards in place, compatibility can be achieved with existing single family development in the area and other potential residential development at higher densities.

FLU 2.2: Regulation of Active Uses.
Industrial Future Land Use Definition

B. Concurrency Review - Application to New Development: *For purposes of approving new development subsequent to adoption of this Comprehensive Plan, all adopted public facilities level of service standards and schedules of capital improvements...shall be applied and evaluated...consistent with policies of the Implementation Element... (Capital Improvements Policy 3.2).*

This policy provides for the adoption of level of service (LOS) standards for public facilities and requires that final development orders be issued only if public facilities meeting the adopted LOS are available or will be available concurrent with the development. Additionally, preliminary development orders shall only be issued with the condition that no rights to obtain final development orders or development permits, nor any other rights to develop the subject property are granted or implied by the County's approval of the preliminary development order.

FILE # Z2002-014

DEVELOPMENT ORDER # 2-20000007

**SEMINOLE COUNTY DEVELOPMENT
ORDER**

On _____ 2002, Seminole County issued this Development Order relating to and touching and concerning the following described property:

Legal description attached as Exhibit A.

(The aforescribed legal description has been provided to Seminole County by the owner of the aforescribed property.)

FINDINGS OF FACT

Property Owner: John P. Tesinsky, Michael Tesinsky, and Mary Weisenbarger

Project Name: TESINSKY RV STORAGE

Requested Development Approval: Rezoning from A-1 (Agriculture) zoning
classification to Planned Commercial Development
(PCD) zoning classification

The Development Approval sought is consistent with the Seminole County Comprehensive Plan and will be developed consistent with and in compliance to applicable land development regulations and all other applicable regulations and ordinances.

The owner of the property has expressly agreed to be bound by and subject to the development conditions and commitments stated below and has covenanted and agreed to have such conditions and commitments run with, follow and perpetually burden the aforescribed property.

Prepared by: JEFF HOPPER
1101 East First Street
Sanford, Florida 32771

NOW, THEREFORE, IT IS ORDERED AND AGREED THAT:

- (1) The aforementioned application for development approval is **GRANTED**.
- (2) All development shall fully comply with all of the codes and ordinances in effect in Seminole County at the time of issuance of permits including all impact fee ordinances.
- (3) The conditions upon this development approval and the commitments made as to this development approval, all of which have been accepted by and agreed to by the owner of the property are as follows:

- a. Permitted uses of the property shall be parking and storage of recreational vehicles and C-3 uses, except for the following:
 - communication towers
 - amusement and recreational facilities
 - vehicle repair
 - sales of vehicles and/or mobile homes
 - outdoor advertising signs
 - lumber yards
 - mechanical garages
 - paint and body shops
 - adult entertainment establishments
 - contractors' equipment storage yards
- b. All uses other than parking and storage of recreational vehicles shall be subject to active/passive buffer requirements as specified in the Land Development Code.
- c. Subject property shall be screened on the east and south by an 8-foot chain link fence with tennis-style mesh wind screening.
- d. Opaque fencing shall be set back a minimum of 15 feet from the east and south property lines, except that it shall not encroach on wetland area as shown on the Preliminary and Final Master Plan.
- e. Developer shall install landscape buffers along the east and south property lines consisting of the following:
 1. Minimum of 4 canopy trees per 100' (excluding pine trees);
 2. Minimum of 5 wax myrtle plants per 100' which shall be at least 4' in height at planting; and
 3. A permanent irrigation system.
- f. Lighting shall be limited to cutoff/shoebox style fixtures no more than 16' in height. Lights shall be set back at least 50' from the east and south property lines, and 5' from other property lines.
- g. Signage shall comply with applicable regulations in the Land Development Code.
- h. No less than 25 percent of the site shall be open space. Open space areas shall include wetlands, buffers, and grassed or mulched areas, but not graveled or paved surfaces of any kind.
- i. Public access to the facility will be prohibited between 10 p.m. and 6 a.m.
- j. No inoperable, junked or abandoned vehicles shall be stored at the facility.

(4) This Development Order touches and concerns the aforescribed property and the conditions, commitments and provisions of this Development Order shall perpetually burden, run with and follow the said property and be a servitude upon and binding upon said property unless released in whole or part by action of Seminole County by virtue of a document of equal dignity herewith. The owner of the said property has expressly covenanted and agreed to this provision and all other terms and provisions of this Development Order.

(5) The terms and provisions of this Order are not severable and in the event any portion of this Order shall be found to be invalid or illegal then the entire order shall be null and void.

Done and Ordered on the date first written above.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

MARYANNE MORSE
Clerk to the Board of County
Commissioners of Seminole
County, Florida

By: _____
DARYL G. Mc LAIN, Chairman

FILE # Z2002-014

DEVELOPMENT ORDER # 2-20000007

OWNER'S CONSENT AND COVENANT

COMES NOW, the owner, John P. Tesinsky, on behalf of himself and his heirs, successors, assigns or transferees of any nature whatsoever and consents to, agrees with and covenants to perform and fully abide by the provisions, terms, conditions and commitments set forth in this Development Order.

Witness

JOHN P. TESINSKY

Print Name

Witness

Print Name

STATE OF FLORIDA

COUNTY OF SEMINOLE

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared JOHN P. TESINSKY, and is personally known to me or who has produced _____ as identification and who acknowledged and executed the foregoing instrument.

WITNESS my hand and official seal in the County and State last aforesaid this _____ day of _____, 2002.

Notary Public, in and for the County and State
Aforementioned

My Commission Expires:

FILE # Z2002-014

DEVELOPMENT ORDER # 2-20000007

OWNER'S CONSENT AND COVENANT

COMES NOW, the owner, Michael Tesinsky, on behalf of himself and his heirs, successors, assigns or transferees of any nature whatsoever and consents to, agrees with and covenants to perform and fully abide by the provisions, terms, conditions and commitments set forth in this Development Order.

Witness

MICHAEL TESINSKY

Print Name

Witness

Print Name

STATE OF FLORIDA

COUNTY OF SEMINOLE

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared MICHAEL TESINSKY, and is personally known to me or who has produced _____ as identification and who acknowledged and executed the foregoing instrument.

WITNESS my hand and official seal in the County and State last aforesaid this _____ day of _____, 2002.

Notary Public, in and for the County and State
Aforementioned

My Commission Expires:

OWNER'S CONSENT AND COVENANT

COMES NOW, the owner, Mary Weisenbarger, on behalf of herself and her heirs, successors, assigns or transferees of any nature whatsoever and consents to, agrees with and covenants to perform and fully abide by the provisions, terms, conditions and commitments set forth in this Development Order.

Witness_____
MARY WEISENBARGER_____
Print Name_____
Witness_____
Print Name**STATE OF FLORIDA****COUNTY OF SEMINOLE**

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared MARY WEISENBARGER, and is personally known to me or who has produced _____ as identification and who acknowledged and executed the foregoing instrument.

WITNESS my hand and official seal in the County and State last aforesaid this _____ day of _____, 2002.

Notary Public, in and for the County and State
Aforementioned

My Commission Expires:

EXHIBIT A

LEGAL DESCRIPTION:

Commencing at the intersection of the Canal and the South line of Lot 8 of SLAVIA FARMS SUBDIVISION as recorded in Plat Book 6 on Page 97 of the Public Records of Seminole County, Florida, run thence East 253.50 feet, along said South line to the POINT OF BEGINNING; thence N 00°00'00" E 245.00 feet; thence N 90°00'00" E 355.59' feet to the East line of the aforesaid lot 8; thence S 00°00'00" E 245.00 feet along said East line to the Southeast corner of said lot 8; thence N 90°00'00" W 355.59 feet along said South line to the Point of Beginning. Containing 2 acres more or less.

AN ORDINANCE AMENDING THE SEMINOLE COUNTY COMPREHENSIVE PLAN; AMENDING THE FUTURE LAND USE MAP OF THE SEMINOLE COUNTY COMPREHENSIVE PLAN BY VIRTUE OF A SMALL SCALE DEVELOPMENT AMENDMENT; CHANGING THE FUTURE LAND USE DESIGNATION ASSIGNED TO CERTAIN PROPERTIES FROM MEDIUM DENSITY RESIDENTIAL TO PLANNED DEVELOPMENT; PROVIDING FOR LEGISLATIVE FINDINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR EXCLUSION FROM THE SEMINOLE COUNTY CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of Seminole County enacted Ordinance Number 2001-21 which adopted the Vision 2020 Seminole County Comprehensive Plan ("the Plan"); and

WHEREAS, the Board of County Commissioners has followed the procedures set forth in Sections 163.3184 and 163.3187, Florida Statutes, in order to further amend certain provisions of the Plan as set forth herein relating to a Small Scale Development Amendment; and

WHEREAS, the Board of County Commissioners has substantially complied with the procedures set forth in the Implementation Element of the Plan regarding public participation; and

WHEREAS, the Seminole County Land Planning Agency held a Public Hearing, with all required public notice, on August 7, 2002, for the purpose of providing recommendations to the Board of County Commissioners with regard to the Plan amendment set forth herein; and

WHEREAS, the Board of County Commissioners held a Public Hearing on _____, 2002, with all required public notice for the purpose of hearing and considering the recommendations and comments of the general public, the Land Planning Agency, other public agencies, and other jurisdictions prior to final action on the Plan amendment set forth herein; and

WHEREAS, the Board of County Commissioners hereby finds that the Plan, as amended by this Ordinance, is internally consistent, is consistent and compliant with the provisions of State law including, but not limited to, Part II, Chapter 163, Florida Statutes, the State Comprehensive Plan, and the Strategic Regional Policy Plan of the East Central Florida Regional Planning Council, based upon the "Tesinsky RV Storage Staff Report".

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SEMINOLE COUNTY, FLORIDA:

Section 1. RECITALS/LEGISLATIVE FINDINGS:

- (a) The above recitals are true and correct in form and include legislative findings which are a material part of this Ordinance.
- (b) The Board of County Commissioners hereby determines that the economic impact statement referred to by the Seminole County Home Rule Charter is unnecessary and waived as to this Ordinance.

Section 2. AMENDMENT TO COUNTY COMPREHENSIVE PLAN FUTURE LAND USE DESIGNATION:

- (a) The Future Land Use Element's Future Land Use Map as set forth in Ordinance Number 2001-21, as previously amended, is hereby further amended by

amending the future land use designation assigned to the property which is depicted on the Future Land Use Map and further described below:

LEGAL DESCRIPTION ATTACHED AS APPENDIX "A"

<u>Amendment Number</u>	<u>Amendment</u>
08-02SS.1	Amendment from Medium Density Residential to Planned Development

- (b) The associated rezoning request was completed by means of Ordinance Number 2002-____.

Section 3. SEVERABILITY:

If any provision of this Ordinance or the application to any person or circumstance is held invalid, it is the intent of the Board of County Commissioners that the invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application and, to this end, the provisions of this Ordinance are declared severable.

Section 4. EXCLUSION FROM COUNTY CODE/CODIFICATION:

- (a) It is the intent of the Board of County Commissioners that the provisions of this Ordinance shall not be codified into the Seminole County Code, but that the Code Codifier shall have liberal authority to codify this Ordinance as a separate document or as part of the Land Development Code of Seminole County in accordance with prior directions given to said Code Codifier.
- (b) The Code Codifier is hereby granted broad and liberal authority to codify and edit the provisions of the Seminole County Comprehensive Plan, as amended.

Section 5. EFFECTIVE DATE:

(a) A certified copy of this Ordinance shall be provided to the Florida Department of State by the Clerk of the Board of County Commissioners in accordance with Section 125.66 and 163.3187, Florida Statutes.

(b) This Ordinance shall take effect upon:

- (1) Filing a copy of this Ordinance with the Department of State by the Clerk of the Board of County Commissioners; provided, however, that the effective date of the Plan amendment set forth herein shall be thirty-one (31) days after the date of enactment by the Board of County Commissioners or, if challenged within thirty (30) days of enactment, when a final order is issued by the Florida Department of Community Affairs or the Administration Commission determining that the amendment is in compliance in accordance with Section 163.3184, Florida Statutes, whichever occurs earlier. No development orders, development permits, or land use dependent on an amendment may be issued or commence before an amendment has become effective. If a final order of noncompliance is issued by the Administration Commission, the affected amendment may nevertheless be made effective by the Board of County Commissioners adopting a resolution affirming its effective status, a copy of which resolution shall be provided to the Florida Department of Community Affairs, Bureau of Local Planning, 2555 Shumard Oak Blvd., Tallahassee, Florida 32399-2100 by the Clerk of the Board of County Commissioners; and,

- (2) The recording date of Development Order #2-20000007 in the Official Land Records of Seminole County.

ENACTED this ____ day of ____, 2002.

BOARD OF COUNTY COMMISSIONERS
OF SEMINOLE COUNTY, FLORIDA

By: _____
Daryl G. McLain,
Chairman

EXHIBIT A

LEGAL DESCRIPTION:

Commencing at the intersection of the Canal and the South line of Lot 8 of SLAVIA FARMS SUBDIVISION as recorded in Plat Book 6 on Page 97 of the Public Records of Seminole County, Florida, run thence East 253.50 feet, along said South line to the POINT OF BEGINNING; thence N 00°00'00" E 245.00 feet; thence N 90°00'00" E 355.59' feet to the East line of the aforesaid lot 8; thence S 00°00'00" E 245.00 feet along said East line to the Southeast corner of said lot 8; thence N 90°00'00" W 355.59 feet along said South line to the Point of Beginning. Containing 2 acres more or less.

AN ORDINANCE AMENDING THE LAND DEVELOPMENT CODE OF SEMINOLE COUNTY; PROVIDING FOR THE REZONING OF CERTAIN DESCRIBED REAL PROPERTIES LOCATED IN UNINCORPORATED SEMINOLE COUNTY FROM A-1 (AGRICULTURE) TO PCD (PLANNED COMMERCIAL DEVELOPMENT) DISTRICT; PROVIDING FOR SPECIFIC DEVELOPMENT CONDITIONS BY MEANS OF A DEVELOPMENT ORDER; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SEMINOLE COUNTY, FLORIDA:

Section 1. LEGISLATIVE FINDINGS.

(a) The Board of County Commissioners hereby adopts and incorporates into this Ordinance as legislative findings the contents of the document titled "Tesinsky RV Storage."

(b) The Board hereby determines that the economic impact statement referred to by the Seminole County Home Rule Charter is unnecessary and waived as to this Ordinance.

Section 2. REZONING.

The zoning classification assigned to the following described property is changed from A-1 (Agriculture) to PCD (Planned Commercial Development):

Legal Description Attached as Exhibit A

Section 3. CODIFICATION. It is the intention of the Board of County Commissioners that the provisions of this Ordinance shall not be codified.

Section 4. SEVERABILITY. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, it is the intent of the Board of County Commissioners that the invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared severable.

Section 5. EFFECTIVE DATE.

A certified copy of this Ordinance shall be provided to the Florida Department of State by the Clerk of the Board of County Commissioners in accordance with Section 125.66, Florida Statutes. This Ordinance shall become effective upon the date of recording of Development Order #2-20000007 in the official land records of Seminole County.

ENACTED this ____ day of ____, 2002.

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

By: _____
Daryl G. McLain
Chairman

EXHIBIT "A"

LEGAL DESCRIPTION:

Commencing at the intersection of the Canal and the South line of Lot 8 of SLAVIA FARMS SUBDIVISION as recorded in Plat Book 6 on Page 97 of the Public Records of Seminole County, Florida, run thence East 253.50 feet, along said South line to the POINT OF BEGINNING; thence N 00°00'00" E 245.00 feet; thence N 90°00'00" E 355.59' feet to the East line of the aforesaid lot 8; thence S 00°00'00" E 245.00 feet along said East line to the Southeast corner of said lot 8; thence N 90°00'00" W 355.59 feet along said South line to the Point of Beginning. Containing 2 acres more or less.

TESINSKY RV STORAGE PCD

FINAL PCD MASTER PLAN DEVELOPER'S COMMITMENT AGREEMENT COMMITMENTS, CLASSIFICATIONS AND DISTRICT DESCRIPTION

On the ____ day of _____, 2002, the Board of County Commissioners of Seminole County issued this Agreement relating to and touching and concerning the following described property:

1. LEGAL DESCRIPTION

Commencing at the intersection of the Canal and the South line of Lot 8 of SLAVIA FARMS SUBDIVISION as recorded in Plat Book 6 on Page 97 of the Public Records of Seminole County, Florida, run thence East 253.50 feet, along said South line to the POINT OF BEGINNING; thence N 00°00'00" E 245.00 feet; thence N 90°00'00" E 355.59' feet to the East line of the aforesaid lot 8; thence S 00°00'00" E 245.00 feet along said East line to the Southeast corner of said lot 8; thence N 90°00'00" W 355.59 feet along said South line to the Point of Beginning. Containing 2 acres more or less.

2. PROPERTY OWNER

John P. Tesinsky, Michael Tesinsky, and Mary Weisenbarger

3. REQUESTED DEVELOPMENT APPROVAL

Approval of a Final PCD site plan attached hereto as Exhibit "A" and incorporated herein by reference.

4. STATEMENT OF BASIC FACTS

- | | | |
|----|-----------------|---|
| A. | Total Area: | 2.0 acres |
| B. | Zoning: | Planned Commercial Development |
| C. | Allowable Uses: | Parking and storage of recreational vehicles and C-3 uses, except for the following:

communication towers
amusement and recreational facilities
vehicle repair
sales of vehicles and/or mobile homes
outdoor advertising signs
lumber yards
mechanical garages
paint and body shops
adult entertainment establishments
contractors' equipment storage yards |

- D. The development approval sought is consistent with the Seminole County Comprehensive Plan and will be developed consistent with and in compliance with all other applicable regulations and ordinances.
- E. The Owner of the property has expressly agreed to be bound by and subject to the development conditions and commitments stated below and has covenanted and agreed to have such conditions and commitments run with, follow, and perpetually burden the aforescribed property.

5. LAND USE BREAKDOWN

USE	AREA (Acres)	% OF SITE
ROADS	0.3	15.0
UNPAVED PARKING AREAS	1.4	70.0
CONSERVATION (WETLANDS)	0.2	10.0
BUFFERS/LANDSCAPE AREAS	0.1	5.0
TOTAL	2.0	100.0

6. OPEN SPACE

Maintenance of open space common areas shall be funded by the Owner or its assigns.

Total Land Area: 2.0 acres

Required Space: $25\% = 2.0 \text{ acres} \times 0.25 = 0.5 \text{ acres open space}$

Open Space Provided:

- a) Wetland areas 0.2 ac 10 percent of site
- b) Buffer/landscape areas 0.1 ac 5 percent of site
- c) Unpaved parking/storage areas* 1.4 ac (max) 70 percent of site

* may include mulched or grassed areas but not gravel, shell or other stabilized surfaces

7. LANDSCAPE & BUFFER CRITERIA

Developer shall install 15-foot landscape buffers along the east and south property lines consisting of the following:

- a) Minimum of 4 canopy trees per 100' (excluding pine trees);
- b) Minimum of 5 wax myrtle plants per 100' which shall be at least 4' in height at planting; and
- c) A permanent irrigation system.

8. PARKING AND PUBLIC ACCESS

Use of the property shall be limited to parking and storage of recreational vehicles, vans, boats on trailers, and other pleasure-related vehicles. No vehicles shall be sold, or displayed or offered for sale from the subject property.

Public access to the facility shall be prohibited between 10 p.m. and 6 a.m.

No inoperable, junked or abandoned vehicles shall be stored at the facility.

9. DEVELOPMENT COMMITMENTS

The following conditions shall be met by the Owner prior to issuance of a certificate of occupancy (C.O.):

- a) Subject property shall be screened on the east and south by an 8-foot chain link fence with tennis-style mesh wind screening.
- b) Opaque fencing shall be set back a minimum of 15 feet from the east and south property lines, except that it shall not encroach on wetland area as shown on the Final Master Plan.
- c) Lighting shall be limited to cutoff/shoebox style fixtures no more than 16' in height. Lights shall be set back at least 50' from the east and south property lines, and 5' from other property lines.
- d) Public access to the facility will be prohibited between 10 p.m. and 6 a.m.
- e) No inoperable, junked or abandoned vehicles shall be stored at the facility.

10. WATER, SEWER AND STORMWATER

Water: Water services shall be provided by the existing Seminole County water system. Design of lines and fire hydrants shall conform to all Seminole County and Florida Department of Environmental Protection standards. On-site water storage for fire protection shall be permitted.

Sanitary Sewer: Sanitary sewer shall be provided by the existing Seminole County treatment facilities. Design of lines and pump stations shall conform to all Seminole County and Department of Environmental Protection standards.

Stormwater: Stormwater drainage and stormwater management shall be provided on-site according to Seminole County's and the St. Johns River Water Management District's Stormwater regulations.

Fire Protection: Fire protection shall be provided by Seminole County. Fire flow will be a minimum of 1,250 gpm and 20 p.s.i. Fire hydrants shall be located according to Seminole County regulations.

11. SITE PLAN APPROVAL

Prior to issuance of permits for site alterations, the developer must obtain site plan approval through the Seminole County Development Review Division.

12. STANDARD COMMITMENTS

- A. Unless specifically addressed otherwise therein, all development shall fully comply with all of the codes and ordinances, including impact fee ordinances, in effect in Seminole County at the time of permit issuance.

- B. The conditions upon this development approval and commitment made as to this development approval have been accepted by and agreed to by the Owners of the property.
- C. This Agreement touches and concerns the aforescribed property, and the conditions, commitments, and provisions of this Agreement shall perpetually burden, run with, and follow the said property and be a servitude upon and binding upon said property unless released in whole or part by action of Seminole County by virtue of a document of equal dignity herewith. The Owners of said property have expressly covenanted and agreed to this provision and all other terms and provisions of this Agreement.
- D. The terms and provisions of this Agreement are not severable, and in the event any portion of this Agreement shall be found to be invalid or illegal, then the entire Agreement shall be null and void.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

MaryAnne Morse
Clerk to the Board of County
Commissioners, Seminole
County, Florida

Daryl G. McLain
Chairman

As authorized for execution by the Board
of County Commissioners at their
_____, 2002, regular meeting.

OWNERS' CONSENT AND COVENANT

The undersigned parties hereby agree to the terms and conditions set forth herein this _____ day of _____, 2002:

WITNESSES:

OWNER:

Printed Name _____

John P. Tesinsky

Printed Name _____

STATE OF FLORIDA
COUNTY OF SEMINOLE

The foregoing instrument was acknowledged before me this _____ day of _____, 2002, by John P. Tesinsky, an individual, who is personally known to me or who produced _____ as identification.

Signature of Notary Public

(Print Notary Name)
My Commission Expires:
Commission No.:
Personally known or
Produced Identification
Type of Identification Produced

OWNERS' CONSENT AND COVENANT

The undersigned parties hereby agree to the terms and conditions set forth herein this
_____ day of _____, 2002:

WITNESSES:

OWNER:

John P. Tesinsky

Printed Name _____

Printed Name _____

STATE OF FLORIDA
COUNTY OF SEMINOLE

The foregoing instrument was acknowledged before me this _____ day of _____,
2002, by John P. Tesinsky, an individual, who is personally known to me or who produced
_____ as identification.

Signature of Notary Public

(Print Notary Name)

My Commission Expires:

Commission No.:

Personally known or

Produced Identification

Type of Identification Produced

OWNERS' CONSENT AND COVENANT

The undersigned parties hereby agree to the terms and conditions set forth herein this _____ day of _____, 2002:

WITNESSES:

OWNER:

Printed Name _____

Michael Tesinsky

Printed Name _____

STATE OF FLORIDA
COUNTY OF SEMINOLE

The foregoing instrument was acknowledged before me this _____ day of _____, 2002, by Michael Tesinsky, an individual, who is personally known to me or who produced _____ as identification.

Signature of Notary Public

(Print Notary Name)
My Commission Expires:
Commission No.:
Personally known or
Produced Identification
Type of Identification Produced

OWNERS' CONSENT AND COVENANT

The undersigned parties hereby agree to the terms and conditions set forth herein this _____ day of _____, 2002:

WITNESSES:

OWNER:

Printed Name _____

Mary Weisenbarger

Printed Name _____

STATE OF FLORIDA
COUNTY OF SEMINOLE

The foregoing instrument was acknowledged before me this _____ day of _____, 2002, by Mary Weisenbarger, an individual, who is personally known to me or who produced _____ as identification.

Signature of Notary Public

(Print Notary Name)

My Commission Expires:

Commission No.:

Personally known or

Produced Identification

Type of Identification Produced

EXHIBIT A**Site Plan Sketch for Proposed Use of Tesinsky Property
2385 West State Road 426, Oviedo, Florida 32765**

Owners: Mike Tesinsky, John
Tesinsky, Suzanne
Tesinsky, and Mary
Ann Weisenbarger.

Applicant: Mike & Jinn Hallaway
840 Waterway Place
Longwood, FL 32750

